

ALLEGED SHIPMENT: On or about January 20 and March 10, 1943, from the State of Texas into the States of California and Pennsylvania.

PRODUCT: Examination disclosed that the *Prescription 1-VV-1* contained sodium bicarbonate flavored with anise. The *Extract of Cod Liver* was a thick malt extract containing a small amount of fish oil or extractive and a small quantity of mineral matter including iron and phosphorus; it contained less than 1 U. S. P. unit of vitamin B₁ per gram and 4.6 micrograms of riboflavin (vitamin G) per milliliter.

NATURE OF CHARGE: *Prescription 1-VV-1*, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of chest colds, coughs, croup, influenza, grippe, flu, pain in the chest, difficult breathing, short, oppressed breathing, stitches in the side, pain in the back between the shoulder blades, hoarseness, loss of voice, sore throat, and bronchitis, with rattling in the windpipe and soreness of the chest, whereas the article would not be efficacious for such purposes; and, Section 502 (e) (2), the label of the article did not bear the common or usual name of the active ingredients.

Extract of Cod Liver, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article contained nux vomica; that it was rich in vitamins B and G; that it would be a beneficial tonic for normal growth in the young and normal health in all ages; that it would help to restore low vitality and build up the resistance in the body against infections and colds; that it would give the necessary elements to bone and body building; that it would be efficacious in the treatment of anemic conditions and in the treatment of people affected with lung ailments; and that it would improve the appetite and give strength and tone to the system. The article did not contain nux vomica; it was not rich in vitamins B and G, but contained inconsequential amounts of those vitamins; and it would not be efficacious for the purposes represented.

DISPOSITION: On October 24, 1944, the defendant having entered a plea of not guilty, the case came on for trial before a jury. At the conclusion of the trial, the jury returned a verdict of guilty, and on October 25, 1944, the court imposed a fine of \$1,000.

1580. Misbranding of Todd's Capsules. U. S. v. J. E. Todd, Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 12537. Sample Nos. 21830-F, 34113-F.)

INFORMATION FILED: August 21, 1944, Western District of New York, against J. E. Todd, Inc., Kenmore (Buffalo), N. Y.

ALLEGED SHIPMENT: On or about March 26 and June 11, 1943, from the State of New York into the State of Pennsylvania.

PRODUCT: Analyses of samples disclosed that the product consisted essentially of sand, carbonates or bicarbonates of calcium, magnesium and sodium, and an odorous resinous material.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "This Folder May Prove a Message of Joy" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of rheumatism, arthritis, and neuritis, whereas the article would not be efficacious for those purposes.

DISPOSITION: June 11, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$125 on each of the two counts in the information.

1581. Misbranding of Munyon's Paw Paw Tonic. U. S. v. Phoenix Preparations and Clarence P. Wynne. Plea of guilty on behalf of the firm; plea of nolo contendere by the individual. Fine of \$250 against the firm; individual defendant given 6 months' suspended sentence and placed on probation for 1 year. (F. D. C. No. 14223. Sample No. 52843-F.)

INFORMATION FILED: April 11, 1945, Middle District of Pennsylvania, against Phoenix Preparations, a business association, Scranton, Pa., and Clarence P. Wynne, secretary-treasurer of the association.

ALLEGED SHIPMENT: On or about July 30, 1943, from the State of Pennsylvania into the State of Virginia.

PRODUCT: Analysis disclosed that the product consisted essentially of water, extracts of plant drugs including strychnine and an emodin-bearing drug together with a trace of an iron compound.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in an accompanying booklet entitled "Guide to Health" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of anemia, syphilis, dyspepsia, indigestion, dizziness, poor circulation, sleeplessness, nervousness, constipation, weakness, and general debility; that it would be efficacious as a digestant and a blood purifier; that it would be efficacious in toning the stomach, liver, and nerves; that it would be efficacious in the cure, mitigation, and treatment of persons who were overworked, weak, run-down, had no appetite, felt "old," whose blood was thin, whose heart was weak, who couldn't sleep, whose liver and stomach were out of order, and who were depressed and felt the need of new life; that the article would refresh and invigorate tired women; that it was a tonic for brain workers; that it would ironize the blood, increase body strength, aid the stomach, and increase mental force; that it possessed nerve and muscle building qualities; that it would be beneficial in building up the system when suffering from catarrh; that it would strengthen the stomach, aid digestion, and remove the cause of nervousness; that it would bring back strength and vitality; that it was an effective treatment for constipation, catarrh, and kidney and rheumatic complaints; that it would furnish rich blood to pale people, give life and snap to the overworked and run-down, and make the old folks feel strong; that it would drive out all poisons and impurities of the blood; that the juice of the papaw was more efficacious than pepsin in dissolving albumin and was an excellent vermifuge; and that the article was a great stomach, blood, heart, and nerve tonic. The article would not effect the results suggested or implied by the labeling.

Further misbranding, Section 502 (i) (1), the bottles containing the article were so made, formed, and filled as to be misleading, since they had long necks, were indented on sides, fronts, backs, and bottoms, and were closed with a long cork, by reason of which the bottles contained a smaller amount of the article than bottles of their size should contain.

DISPOSITION: May 22, 1945. Pleas of guilty and nolo contendere having been entered on behalf of the association and the individual defendant, respectively, the court imposed a fine of \$250 against the association and gave the individual defendant a 6 months' suspended sentence and placed him on probation for 1 year.

1582. Misbranding of Pancrezyme Tablets and Obeto Ampuls. U. S. v. Ziegler Pharmacal Co. Plea of guilty. Fine, \$400. (F. D. C. No. 14306. Sample Nos. 53727-F, 78209-F.)

INFORMATION FILED: April 17, 1945, Western District of New York, against the Ziegler Pharmacal Co., a partnership, Buffalo, N. Y.

ALLEGED SHIPMENT: On or about March 12 and 23, 1944, from the State of New York into the States of Pennsylvania and California.

PRODUCT: Analyses disclosed that the *Pancrezyme Tablets* contained enzymes such as pancreatin and an extract of bile; and that the *Obeto Ampuls* consisted of a water solution in ampuls, each 2 cubic centimeters of which contained an extract from 1 grain of thyroid.

NATURE OF CHARGE: *Pancrezyme Tablets*, misbranding, Section 502 (a), the label statement, "In mild cases of diabetes, Pancrezyme, combined with a restricted diet, has been found very efficient in reducing and controlling sugar," was false and misleading since the article would have no effect in reducing and controlling sugar in the treatment of diabetes.

Obeto Ampuls, misbranding, Section 502 (a), the label statement, "Active principles of adrenal cortex, anterior pituitary, * * * ovarian, lymphatic, pituitary posterior, thymus," created the false and misleading impression that the article contained the active principles of adrenal cortex, anterior pituitary, ovarian, and posterior pituitary in amounts sufficient to be of therapeutic importance, and that lymphatic and thymus tissues were active principles, whereas the article contained insignificant amounts of adrenal cortex, anterior pituitary, ovarian, and posterior pituitary, and lymphatic and thymus tissues contain no known active principles. Further misbranding, Section 501 (e) (2), the article was fabricated from two or more ingredients and contained a prepa-